

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

SILVER SPRING, MARYLAND

ORDER NO. 11,941

IN THE MATTER OF:

Served April 14, 2009

Application of BLS LIMO GROUP,	)	Case No. AP-2009-013
INC., for a Certificate of	)	
Authority -- Irregular Route	)	
Operations	)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. The application is unopposed.

This is applicant's fourth application for operating authority. Applicant applied in 2003 to acquire Certificate No. 185 from Bethany Limousine & Buses, Inc., but the application was denied without prejudice for failure to establish regulatory compliance fitness.<sup>1</sup> Applicant applied for a certificate of authority in 2005, but that application was also denied without prejudice for failure to establish regulatory compliance fitness.<sup>2</sup> Applicant subsequently reapplied for the third time in 2007. That application was granted, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents and passing a vehicle inspection conducted by Commission staff.<sup>3</sup> Applicant failed to satisfy the conditions for issuance of operating authority within the time allotted, thereby voiding the Commission's approval.<sup>4</sup>

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission. An applicant must establish financial fitness, operational fitness, and regulatory compliance fitness.<sup>5</sup>

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<sup>1</sup> *In re BLS Limo Group, Inc., & Bethany Limo. & Buses, Inc.*, No. AP-03-160, Order No. 7897 (Mar. 25, 2004).

<sup>2</sup> *In re BLS Limo Group, Inc.*, No. AP-05-195, Order No. 9569 (May 18, 2006).

<sup>3</sup> *See In re BLS Limo Group, Inc.*, No. AP-07-056, Order No. 10,472 (May 9, 2007) (conditionally granting Certificate No. 1389).

<sup>4</sup> *See In re BLS Limo Group, Inc.*, No. AP-07-056, Order No. 11,081 (Jan. 15, 2008) (denying reconsideration).

<sup>5</sup> *In re Skyhawk Logistics, Inc.*, No. AP-07-195, Order No. 11,693 (Nov. 19, 2008).

Applicant proposes commencing operations with six sedans, one limousine, four SUV's, three vans, three minibuses, and one motorcoach. Applicant proposes operating under a tariff containing charter rates, individual and/or group sightseeing rates, rates for mileage and/or hourly priced transportation, airport shuttle rates, and rates for transportation under contracts with government agencies and private entities.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Normally, such evidence would establish applicant's fitness,<sup>6</sup> but in this case applicant has a history of regulatory violations. When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether applicant has made sincere efforts to correct its past mistakes, and (5) whether applicant has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.<sup>7</sup>

As noted above, the first and second applications concluded with a finding that applicant had failed to make a prima facie case of regulatory compliance fitness. Also as noted above, the third application concluded with a finding that applicant had made a prima facie case of regulatory compliance fitness. The finding of fitness was subject to applicant serving a one-year period of probation. There is nothing in this record to disturb the fitness finding in the third application, provided applicant serves a one-year period of probation.

Based on the evidence in this record, and in consideration of the terms of probation prescribed herein, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

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<sup>6</sup> *In re Executive Technology Solutions, LLC*, No. AP-04-84, Order No. 8273 (Sept. 20, 2004).

<sup>7</sup> *Id.*

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1389 shall be issued to BLS Limo Group, Inc., 2401 M Street, N.W., Washington, DC 20037.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate No. 1389 has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That applicant shall be placed on probation for a period of one year commencing with the issuance of Certificate No. 1389 in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

5. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS CHRISTIE AND BRENNER:



William S. Morrow, Jr.  
Executive Director